

Application No. 09/998,855
Response Dated: November 5, 2004
Reply to Office Action Dated September 8, 2004

REMARKS

Reconsideration of the present claims, in light of the attached claim clarifications and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1, 3, 5-7, 19-20 and 23.

Support for the amendments to the claims is found as follows:

Claims 1 and 6, Paragraph [0012], page 4;

Claims 3 and 7, Paragraph [0079], page 20;

Claim 5, paragraph [0063], page 17; and

Claim 23, paragraph [0080], page 20.

The numbering in this response will follow that of the Examiner's Action.

1. No response necessary.

Restriction under 35 USC § 121

- 2.-4. *Applicants are required to elect a species.*

The Examiner asserts that several patentably distinct species are present in the claims, and election of one species is required. Applicants traverse this Restriction, and assert that the Markush group of gelling agents is sufficiently compact to not prove an undue burden on the USPTO, rather, the burden on Applicants of increased costs is far more odious. Nonetheless, to move prosecution forward, Applicants elect diester phosphates, and all claims now pending read on this species.

5. No response necessary.

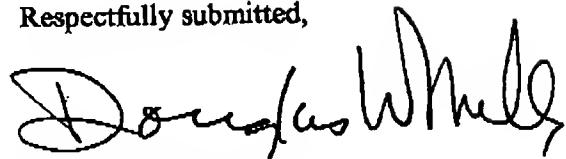
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Respectfully submitted,



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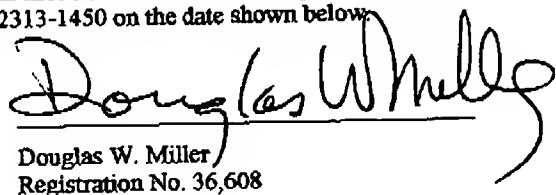
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

November 5, 2004

Date



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